

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490

• (909) 387-5866 • FAX (909) 387-5871

E-MAIL: lafco@lafco.sbcounty.gov

www.sbclafco.org

DATE: October 9, 2002

FROM: KATHLEEN ROLLINGS-McDONALD, Deputy Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5: LAFCO 2909 -- City of Barstow Reorganization Including Annexations to the City of Barstow and Odessa Water District (Mojave Manor)

INITIATED BY:

City Council, City of Barstow

RECOMMENDATION:

1. Take the following actions related to the environmental assessment of the project:
 - a. Certify the Commission has reviewed and considered the environmental assessment and Negative Declaration prepared by the City of Barstow for General Plan Amendment GPA #02-02 and Zone Change/Pre-zone ZC#02-01 and found them to be adequate for Commission use as a Responsible Agency; and,
 - b. Determine that the Commission does not intend to adopt alternatives for this project; that there are no mitigation measures included in the City's environmental documents; and,
 - c. Direct the Clerk to file the Notice of Determination within five working days.
2. Approve LAFCO #2909 – City of Barstow Reorganization including Annexations to the City of Barstow and Odessa Water District as an island annexation, as defined in Government Code Section 56375.3, with the condition that County Service Area 40 (TV Translator) shall remain overlaying the area;

3. Waive the protest proceedings, as permitted by Government Code Section 56375.3; and,
4. Adopt LAFCO Resolution # 2752 setting forth the Commission's findings and determinations concerning this proposal.

BACKGROUND:

LAFCO 2909 is a proposal initiated by the City of Barstow in compliance with direction by this Commission. As the Commission will recall, during its consideration of the Marine Corps Base annexation at the October 2001 hearing, it directed the City of Barstow to take action to initiate annexation of this "island" of territory. The City representatives at that hearing indicated that such an initiation would be taken care of within one year of the Commission's adoption of the resolution approving LAFCO 2880 (Marine Corps Base Annexation). The filing and consideration of this application fulfills the City's commitment to the Commission.

LAFCO 2909 proposes annexation of the island of unincorporated territory commonly known as "Mojave Manor" located within the central portion of the City of Barstow to the City and the Odessa Water District (a subsidiary district of the City). Location and vicinity maps are included as Attachment #1 to this report outlining the area. The study area is generally bordered by West Main Street on the north, parcel lines on the east, Norwich Avenue on the south, and Woodhill Avenue on the west – all of which represent existing City of Barstow boundaries.

In the staff's analysis, this proposal is essentially a ministerial action for the Commission. Government Code Sections 56375 and 56375.3 require the Commission to approve this island if basic findings are made concerning the size of the island, the configuration of city boundaries, the lack of prime agricultural land within the island area, the presence of development in the area, and the ability of the study area to benefit from or use municipal services from the City of Barstow. Copies of these Code Sections are included for Commission review (Attachment #2). A response to these findings is presented below and the staff suggests that these findings are clear and easily made in this case.

Aside from the findings outlined below, the only discretionary issue in front of the Commission is whether it wishes to hold a protest hearing and either approve or terminate these proceedings following this hearing. This is a policy question for the Commission; however, staff does not recommend that the Commission schedule this matter for a protest hearing for the following reasons:

First, the Commission is already on record in support of this annexation. Resolution No. 2724, approving LAFCO 2880, included the finding requiring that "the City of

Barstow will initiate proceedings to annex the “Mojave Manor” island of unincorporated territory”.

Second, State law requires the Commission to approve this annexation if it agrees with the staff findings related to island annexations. Simply put, the Commission has no discretion in this matter if it makes the required statutory findings.

Third, the staff has provided nearly 400 notices to landowners and registered voters within and surrounding this annexation notifying them of the Commission’s consideration. To date, staff has received two phone calls expressing concern but only one expressing specific protest.

MANDATORY ISLAND ANNEXATION FINDINGS:

The following findings are required by Government Code Section 56375.3 for island annexations, and if the Commission makes these findings, then it is required by Government Code Section 56375 to approve this proposal:

- The study area is less than 75 acres, and consists of the entire island of unincorporated territory.
- The study area is entirely surrounded by the City of Barstow and is within the Barstow sphere of influence.
- The study area is substantially developed or developing, based on findings that there is the availability of public services, there is the presence of public improvements in the area, and there are physical improvements on many of the properties.
- There is no prime agricultural land within the study area.
- The study area has benefited, or will benefit, from the availability of municipal services from the City of Barstow.

Staff suggests that, in its view, these findings are clear; therefore, the Commission is required by Government Code Section 56375 to approve this proposal.

FINDINGS:

The following findings are required to be provided by Commission policy and Government Code Section 56668 for all proposals considered:

1. The Registrar of Voters Office has determined that the study area is legally inhabited, containing 108 registered voters, as of July 26, 2002.

2. The study area is within the sphere of influence assigned the City of Barstow and the Odessa Water District.
3. The County Assessor's Office has determined that the assessed valuation of land and improvements within the study area is \$4,744,290 (\$838,222 land; \$3,906,068 improvements).
4. Legal advertisement of this Commission's consideration has been provided through publication in *The Sun*, and *The Desert Dispatch*, newspapers of general circulation within the study area. In addition, individual notice has been provided to registered voters and landowners within the reorganization area, and to registered voters and landowners located within roughly 1,350 feet of the exterior boundary of the reorganization site.
5. The City of Barstow has processed a General Plan Amendment and Zone Change for pre-zoning of the reorganization area. The land use designations to be included for this area are: General Plan Designation of Neighborhood Residential, and Mixed Use; the zoning designation is RS-6 (single-family residential, 6,000 square foot minimum lot site) and MU (Mixed Land Use). Pursuant to the provisions of Government Code Section 56375(e) this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
6. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of Barstow's Initial Study and Negative Declaration and determined that they are adequate for the Commission's review of the proposed reorganization as a responsible agency. A copy of Mr. Dodson's response and the City's Initial Study is attached for the Commission's review as Attachment #4 to this report.

The necessary actions to be taken by the Commission, as a responsible agency, include the following:

- a. Indicate that the Commission has reviewed and considered the environmental assessment, and Negative Declaration certified by the City of Barstow for the General Plan Amendment GPA #02-02 and Zone Change/Pre-Zone ZC#02-01 and Annexation of the Mojave Manor area.
- b. Determine that these environmental documents are adequate for the Commission's use in making its decision related to the reorganization.
- c. Indicate that the Commission does not intend to adopt alternatives or mitigation measures for this project. Mitigation was not required for this

project by the City of Barstow; therefore, no mitigation is the responsibility of the Commission.

- d. Direct the Clerk to file a Notice of Determination within five days and find that no further Department of Fish and Game filing fees are required by the Commission's approval since the City, as lead agency, has paid said fees.
7. Upon annexation, the City of Barstow and Odessa Water District will extend their services as required by the existing and anticipated land use. The Plan for Service indicates that revenues are anticipated to be sufficient to provide the level of services identified through the City for such items as law enforcement, planning, street maintenance, etc. Fire protection will continue to be provided by the independent Barstow Fire Protection District. Water service to this area is provided by the Southern California Water Company and will not change following reorganization. Park and recreation services will continue to be provided by the independent Barstow Park and Recreation District.
8. The area in question is presently served by the following public agencies:

County of San Bernardino
Barstow Fire Protection District
Barstow Park and Recreation District
Barstow Public Cemetery District
County Service Area 70
County Service Area 40 (TV Translator)
Mojave Desert Resource Conservation District
Mojave Water Agency

County Service Area 70 will be detached through successful completion of this reorganization. As a condition of Commission approval, County Service Area 40, which provides regional TV Translator services, will be retained overlying the area. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries.
9. The annexation proposal complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of the City surrounding them.
10. The City has submitted a Plan for Service, as required by law and Commission policy (included within Attachment 3). This plan outlines that the City can immediately extend the full range of its municipal services to the study area upon completion of the annexation. This Plan indicates that the City can

maintain and/or improve the level and range of services that are currently available to the study area.

11. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determinations.
12. The study area can benefit from the availability of municipal-level services from the City of Barstow and Odessa Water District.
13. The County of San Bernardino and the City of Barstow have successfully negotiated a transfer of property tax revenues that will take effect upon completion of this annexation. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. Maps and legal descriptions, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

CONCLUSION:

Staff would like to commend the City of Barstow for fulfilling the commitment it made to the Commission when reviewing LAFCO 2880 one year ago.

It is the staff's recommendation that, from the Commission's perspective, LAFCO 2909 is essentially ministerial. The Commission is required by Government Code Section 56375 to approve this proposal if it makes the mandatory findings outlined in Section 56375.3. We believe those findings are easily made in this case, as follows:

- The study area consists of 51 +/- acres, less than the 75 acre threshold,
- It is wholly surrounded by City boundaries;
- It is within the City of Barstow sphere of influence;
- It is substantially developed or developing;
- It does not contain any prime agricultural land; and,
- It can benefit from the availability of municipal services from the City of Barstow.

If the Commission concurs with these staff findings, then it is required to approve this proposal, regardless of any protest that might be submitted at the hearing.

State law also gives the Commission the ability to waive the protest hearing on this proposal, and staff recommends that the Commission take that action as part of its approval of this application.

KRM

Attachments:

- 1 -- Maps – Vicinity and Location
- 2 -- Code Section 56375 and 56375.3
- 3 -- City of Barstow Application and Plan for Services
- 4 -- Tom Dodson and Associates Response and Environmental Review
Documents
- 5 -- Draft Resolution No. 2752